

PETITION TO CUMULATE VOTES

THE FOLLOWING INFORMATION IS PROVIDED FOR THE GUIDANCE OF CANDIDATES FOR PUBLIC OFFICE WHO BELIEVE THAT CERTAIN NAMES WRITTEN-IN ON OFFICIAL ELECTION BALLOTS WERE INTENDED FOR VOTES FOR THEIR CANDIDACY NOTWITHSTANDING THE FACT THAT THE NAME WRITTEN-IN ON THE BALLOT MISPELLS OR OTHERWISE MISIDENTIFIES THEM. THE FOLLOWING IS INTENDED FOR GUIDANCE ONLY AND, IN THE EVENT OF ANY QUESTION PERTAINING TO ANY PARTICULAR CANDIDATE, THE CANDIDATE SHOULD CONSULT WITH THEIR OWN ATTORNEY.

If a candidate determines it appropriate to request the cumulation of votes cast under different names at any election the following procedure is recommended.

1. The candidate shall present a petition to cumulate votes to the Franklin County Board of Elections not later than five (5) days after certification by the County of the votes cast at the Municipal Election. For the election conducted on November 5, 2013, the petition must be presented **not later than 4:30 p.m., Monday, November 18, 2013** at the offices of the Franklin County Commissioners located at 14 North Main Street, Chambersburg, Pennsylvania. The petition must physically be filed by this deadline – postmarks do not count.

2. The candidate must give notice of the filing and the time and place set for hearing to all of the other candidates who appear to have been nominated for the office for which cumulation is being requested. Notice must be given in a timely manner to permit interested parties opportunity to attend the hearing. Notices shall be given by certified mail, return receipt requested, by personal delivery or delivery by a Pennsylvania Constable or by utilizing Certificate of Mailing which certifies the date of mailing and to whom. If notice is given via personal delivery or delivery by a Pennsylvania Constable, an acceptance of service signed by the person being served or an affidavit of service must be executed by the server as proof of delivery to all interested parties.

3. While there is no legally defined form for the petition to cumulate, it is important that the petition clearly identify the office involved in the petition, the identity of the candidate seeking to cumulate votes, and the name sought to be cumulated. For guidance of the candidates seeking cumulation, there is attached a form of petition that has been accepted in past years.

4. At the hearing before the Franklin County Board of Elections, the candidate must appear and must be prepared to prove to the satisfaction of the Board of Elections that the names sought to be cumulated are, in fact, intended to be votes for the candidate petitioning for cumulation. **The candidate must also present evidence that the notice referenced in paragraph 2 above was in fact sent, and received, by all of the other candidates who appear to have been nominated for the same office.**

The petition must be signed at the end with a verification statement by the candidate. The form is a sample only, and may need to be adapted to your particular circumstances. **While the sample petition attached makes provision for the signature of the attorney, the law does not require that you hire an attorney to present your case.** However, should you have any questions, retaining the services of an attorney may be helpful in the presentation of your petition.

BEFORE THE FRANKLIN COUNTY
BOARD OF ELECTIONS

IN RE: Nomination of (Name of Petitioner) for the office of (Title of Political Office) Franklin County, Pennsylvania.

PETITION TO CUMULATE VOTES

NOW comes (Name of Petitioner) , by his attorney, (Attorney for Petitioner) who respectfully petitions the Board as follows:

1.

The Petitioner is (Name of Petitioner) , an adult individual who resides in Franklin County, Pennsylvania, with a mailing address of (Home Address of Petitioner) .

2.

The Petitioner was a write-in candidate for the office of (Title of Office) of Franklin County, Pennsylvania, at the Municipal Election held on (Date of Election) .

3.

According to the original officials returns for the said Municipal Election, the following votes were found to have been cast in the following manner:

Names to be Cumulated

Votes Cast for Name to be Cumulated

4.

Petitioner submits that all of the above names are one and the same person, and the votes cast for these persons should be cumulated with those cast for (Name of Petitioner) .

5.

The registration rolls in the Franklin County Registration Office disclose no other registered voter under the name of (Name of Petitioner) .

6.

To the best of Petitioner's knowledge, no other person with the surname (Name of Petitioner) or any variation thereof was on the ballot or was an announced write-in candidate for the office of (Title of Office) at said Municipal Election.

7.

The names of other candidates who received write-in votes at the Municipal Election for the office of (Title of Office), a true copy of which is attached hereto and marked Exhibit "A".

8.

Under the case of McCracken Appeal, 370 Pa. 562 (1952), the Board of Elections has authority to cumulate the votes in the instant case.

WHEREFORE, the Petitioner respectfully prays that the Board, following a hearing hereon, cumulate the votes cast for the names in Paragraph 3 with those cast for (Name of Petitioner) accordingly.

Respectfully Submitted,

(Name of Petitioner)

(Attorney for Petitioner)

I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Dated: _____

(Name of Petitioner)

BEFORE THE FRANKLIN COUNTY
BOARD OF ELECTIONS

IN RE: Nomination of _____ for the office of
_____ Franklin County, Pennsylvania.

PETITION TO CUMULATE VOTES

NOW comes _____, by his attorney,
_____, who respectfully petitions the Board as follows:

1.

The Petitioner is _____, an adult individual who resides
in Franklin County, Pennsylvania, with a mailing address of _____.

2.

The Petitioner was a write-in candidate for the office of
_____ of Franklin County, Pennsylvania, at the Municipal
Election held on November 5, 2013.

3.

According to the original officials returns for the said Municipal Election, the
following votes were found to have been cast in the following manner:

Names to be Cumulated

Votes Cast for Name to be Cumulated

4.

Petitioner submits that all of the above names are one and the same person, and the votes cast for these persons should be cumulated with those cast for _____.

5.

The registration rolls in the Franklin County Registration Office disclose no other registered voter under the name of _____.

6.

To the best of Petitioner's knowledge, no other person with the surname _____ or any variation thereof was on the ballot or was an announced write-in candidate for the office of _____ at said Municipal Election.

7.

The names of other candidates who received write-in votes at the Municipal Election for the office of _____, a true copy of which is attached hereto and marked Exhibit "A".

8.

Under the case of McCracken Appeal, 370 Pa. 562 (1952), the Board of Elections has authority to cumulate the votes in the instant case.

WHEREFORE, the Petitioner respectfully prays that the Board, following a hearing hereon, cumulate the votes cast for the names in Paragraph 3 with those cast for _____ accordingly.

Respectfully Submitted,

(Name of Petitioner)

(Attorney for Petitioner)

I verify that the statements made herein are true and correct. I understand that false statements herein are made subject to the penalties of 18Pa. C.S. Section 4904, relating to unsworn falsification to authorities.

Dated: _____

(Name of Petitioner)